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C O N F I D E N T I A L SECTION 01 OF 02 DUBLIN 001516

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TAGS: [PREL](#) [PROV](#) [KDEM](#) [KPAO](#) [IZ](#) [EI](#)
SUBJECT: SHANNON: IRELAND ASKS USG OPINION ON SEARCHING
AIRCRAFT

REF: A. SECSTATE 220728
[1](#)B. SECSTATE 221875

Classified By: DCM Jonathan Benton, for reasons 1.4 (b) (c)

[1](#)1. (U) This is an action request, please see paragraph 4.

SUMMARY

[1](#)2. (C) On December 7, DCM met with Rory Montgomery, Department of Foreign Affairs (DFA) Political Director to follow up on the December 1 meeting between Foreign Minister Dermot Ahern and Secretary Rice in Washington, parliamentary pressure to search U.S. aircraft in transit at Shannon airport, and the December 15 Iraqi elections. Montgomery stated that Minister Ahern was pleased with his meeting with Secretary Rice. He added that the GOI continues to take it

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on faith that there have been no changes in U.S. practices at Shannon and the GOI will not conduct searches of authorized state aircraft. Nonetheless, he cited pressure from parliament to inspect U.S. carriers and asked the USG to clarify its interpretation of international law and sovereignty governing searches of state and state contracted aircraft. DCM also delivered reftel points on Iraqi elections. The GOI will issue a supportive statement in the December 14 parliament session.

MEETING WITH SECRETARY RICE AND U.S. USE OF SHANNON

[1](#)3. (C) Montgomery noted that Minister Ahern was very pleased with his meeting with Secretary Rice, during which topics such as the Iraq war, extradition, and U.S. state aircraft stopovers in Shannon were discussed. Montgomery also greatly appreciated his meeting with EUR Principal Deputy Assistant Secretary Kurt Volker. He expressed understanding of the

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U.S. approach to EU concerns about renditions, and he said that the GOI took it on faith that there had been no changes in U.S. practices regarding transits at Shannon airport. Montgomery expressed mild concern over Secretary Rice's speeches during her European tour which defend USG practices, not only in Shannon, but throughout Europe, but which also emphasize the Government's commitment to the War on Terror, in effect making the first point less persuasive, in his view.

ACTION REQUEST:
GOI SEEKS LEGAL OPINION ON SEARCH OF U.S. AIRCRAFT

14. (C) The Irish parliament has been pressuring the GOI relentlessly to inspect US aircraft using Shannon. Anticipating more questions on December 14, Montgomery asked for clarification of the U.S. Government's interpretation of international law and sovereignty principles that applied to state/contract aircraft searches. He said that that would be a valuable tool in guiding the GOI's actions and policy. Montgomery stated that the GOI's current interpretation, and approach when questioned by parliament, of the legality of these searches is similar to the stopping of a vehicle on the road by police: neither would be done, in normal circumstances, without suspicion. The GOI has told parliament it has no grounds for suspicion and thus does not plan to inspect aircraft. Per Montgomery's request, please advise and provide post with talking points on USG interpretation of the legality of searches of this type.

IRAQI ELECTIONS: GOI TO ISSUE SUPPORTIVE STATEMENT

15. (C) DCM asked the GOI for a public statement supporting the December 15 Iraqi elections (ref A). Montgomery stated that the GOI is supportive of the upcoming Iraqi elections and the work underway to make them possible. Montgomery noted previous intense debates within the GOI concerning the Iraq war, but added that the Government had begun to balance internal criticism by accentuating positive developments, including the upcoming elections.

16. (C) In a follow-up call by emboff, DFA's Deputy Regional Director of the Middle East and North Africa, Stephen Dawson, confirmed Montgomery's sentiment and stated that the GOI will issue an official statement in next week's Parliament

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sessions expressing anticipation of the December 15 elections and wishing luck to the Iraqi people. Ireland will likely be represented by an EU post-election statement. An individual GOI statement, although unlikely, will depend on the outcome of elections and the following events.

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